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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,984	05/29/2001	David A. Monroe	620002.2	7399
66666 7590 04/29/2008 KUTAK ROCK, LLP 1801 CALIFORNIA STREET SUITE 3100 DENVER, CO 80202-2626				
EXAMINER VO, TUNG T				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
04/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/866,984

**Applicant(s)**

MONROE, DAVID A.

**Examiner**

Tung Vo

**Art Unit**

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 65-72, 74-85 is/are pending in the application.
- 4a) Of the above claim(s) 1-64 and 73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-72 and 74-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/06/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 65-72, and 74-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreichauf et al. (US 6,701,772) in view of Gross (US 5,864,481).

Re claim 65, Kreichauf teaches a self-contained security (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10) and surveillance system (300 of fig. 10) for detecting and processing threat emissions (col. 1, lines 13-32, harmful agent), comprising:

a plurality of sensor modules (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10) for detecting threat emission data;

a hand-held base (300 of fig. 10, a mobile agent detector system (300) is hand-held base; note portable bioassay devices, reagents, and readable test strips may also be used as agent detectors, if desired, col. 4, lines 49-51) for individually and interchangeably interfacing with the plurality of sensor modules (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10);

a common control module processor (302 of fig. 10, central controller receives threat emission) for receiving and processing the threat emission data,

wherein the control module includes a control processor, an image stabilization sensor, a real-time image processing module, a video switching (col. 8, lines 21-42); a GPS receiver (note the transceiver and antenna (306 and 308 of fig. 10) would obviously be a GPS receiver because receiving the location map and data from the mobile detectors , 100....400 of fig. 10) ; and

a communication link (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10, has wireless link) for transmitting received and processed threat emission data to a base station (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10, note some devices (110 or 220 or 224 of fig. 10) transmit photographic views of the area surrounding the device to a central site);

wherein the control module (302 of fig. 10) is structured and arranged to receive and process at least one form of threat emission data, the data provided in the form of nuclear, biological, chemical and electromagnetic threat emission data, or combinations thereof, and further wherein processing of at least one form of threat emission data includes the functionalities of noise reduction, contrast enhancement, motion detection and alarm notification, image stabilization, image cropping, filtering, image compression, gain control, integration of geo-location data, digital data storage, and dynamic changes in control module menus and

operations as a function of the sensor module employed (col. 8, lines 21-42), and a display screen (310 of fig. 10, CRT or console).

It is noted that Kreichauf does not particularly teach a decoder, encoder and format conversion module, a magnetic compass, wherein the base includes a view finder.

Gross teaches a decoder/encoder and format conversion module (200 of fig. 2, the computer includes the PCMCIA video assembly provides for image capture from the video camera (535 of fig. 5) or thermal weapon system (525 of fig. 5), and image compression/decompression for captured or stored images), a magnetic compass and a view finder (500 of fig. 2, see 530 of fig. 5), and an inclinometer shows location and distance as GPS system (245 of fig. 2).

Therefore, taking the teachings of Kreichauf and Gross as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Gross into the system of Kreichauf to improve the lethality, survivability, mobility, and communications capabilities of these Land Warriors (soldiers, operators, or agents) while keeping them immediately responsive and flexible enough to operate in an uncertain and frequently chaotic environment.

Re claim 66, Kreichauf teaches wherein at least one sensor module of the plurality of sensor modules is selected from the group consisting of: a visual light sensor module; a high performance night module; a forward looking infrared sensor module; a radio frequency (RF) probe module; an integrated nuclear, biological and chemical sensor module; and a laser range finder module (col. 4, lines 29-42; note chemical and biological sensors)

Re claims 67-70, Kreichauf teaches wherein the forward looking infrared sensor module is uncooled; a near-infrared module; a mid-wave infrared module; a long-wave infrared module

(col. 4, lines 29-51, although any suitable detector either known or unknown at the present time may be used, the agent detectors can include, for example, spectrographic analyzers including visible, infrared, near infrared, ultraviolet, and/or fluoroscopic. So-called "chemical noses" or "electrical noses" may be used to identify agents).

Re claim 71 Kreichauf teaches wherein the base station is remotely located (300 of fig. 10, as remote base-central is a central site).

Re claim 72, Kreichauf teaches a remote image transceiver (426 of fig. 9 and 306 of fig. 10).

Re claim 73, Kreichauf teaches wherein the communication link is selected from a group consisting of: a wireless link and a wired link (RF, 308 of fig. 10).

Re claim 76, Kreichauf further teaches wherein the base includes a contained memory subsystem for storing data detected by the plurality of sensor modules (col. 8, lines 36-54).

Re claims 77, 79, 83-85, Kreichauf teaches a self-contained security (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10) and surveillance system (300 of fig. 10) for detecting and processing threat emissions (col. 1, lines 13-32, harmful agent), comprising:

hand-held receiving means (300 of fig. 10, a mobile agent detector system (300) is hand-held base; note portable bioassay devices, reagents, and readable test strips may also be used as agent detectors, if desired, col. 4, lines 49-51) receiving and processing detected threat mission data;

detecting means (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10) for detecting threat emission data, wherein the detecting means are mobile detectors that would obviously removably integrated with the hand-held receiving means (detecting means (100, 130, 160, 180,

200, 220, 240, and 400 of fig. 10 would obviously removably from the hand-held base at the remote distance)

hand-held receiving means (302 of fig. 10, central controller receives threat emission) for receiving and processing the threat emission data, wherein the controller (302 of fig. 10) would obviously select one of the detecting means (100, 130...400 of fig. 10, controller controlling various components),

a communication means (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10, has wireless link) for transmitting received and processed threat emission data to a base station (100, 130, 160, 180, 200, 220, 240, and 400 of fig. 10, note some devices (110 or 220 or 224 of fig. 10) transmit photographic views of the area surrounding the device to a central site); wherein the hand-held receiving means (302 of fig. 10) is structured and arranged to receive and process at least one form of threat emission data, the data provided in the form of nuclear, biological, chemical and electromagnetic threat emission data, or combinations thereof, and further wherein processing of at least one form of threat emission data includes the functionalities of noise reduction, contrast enhancement, motion detection and alarm notification, image stabilization, image cropping, filtering, image compression, gain control, integration of geo-location data, digital data storage, and dynamic changes in control module menus and operations as a function of the sensor module employed (col. 8, lines 21-42), and a display screen (310 of fig. 10, CRT or console); wherein the control module integrated with hand-held device includes a control processor, an image stabilization sensor, a real-time image processing module, a video switching (col. 8, lines 21-42); a GPS receiver (note the transceiver and antenna (306 and 308 of fig. 10)

would obviously be a GPS receiver because receiving the location map and data from the mobile detectors , 100....400 of fig. 10)

It is noted that Kreichauf does not particularly teach a decoder, encoder and format conversion module, a magnetic compass, wherein the base includes a view finder.

Gross teaches a decoder/encoder and format conversion module (200 of fig. 2, the computer includes the PCMCIA video assembly provides for image capture from the video camera (535 of fig. 5) or thermal weapon system (525 of fig. 5), and image compression/decompression for captured or stored images), a magnetic compass and a view finder (500 of fig. 2, see 530 of fig. 5), and an inclinometer shows location and distance as GPS system (245 of fig. 2).

Therefore, taking the teachings of Kreichauf and Gross as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Gross into the system of Kreichauf to improve the lethality, survivability, mobility, and communications capabilities of these Land Warriors (soldiers, operators, or agents) while keeping them immediately responsive and flexible enough to operate in an uncertain and frequently chaotic environment.

Re claim 78, Kreichauf teaches wherein at least one sensor module of the plurality of sensor modules is selected from the group consisting of: a visual light sensor module; a high performance night module; a forward looking infrared sensor module; a radio frequency (RF) probe module; an integrated nuclear, biological and chemical sensor module; and a laser range finder module (col. 4, lines 29-42; note chemical and biological sensors)

Re claims 80-82, Kreichauf teaches wherein the base station is remotely located (300 of fig. 10, as remote base-central is a central site); a remote image transceiver (426 of fig. 9 and 306



of fig. 10); wherein the communication link is selected from a group consisting of: a wireless link and a wired link (RF, 308 of fig. 10); wherein the base includes a contained memory subsystem for storing data detected by the plurality of sensor modules (col. 8, lines 36-54).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crook (US 6,954,143) discloses mobile system for responding to hydrogen sulfide gas at a plurality of remote well sites.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/

Primary Examiner, Art Unit 2621